

ORDINANCE _____ - 2010

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS CREATING SECTION 130-131 OF THE MONROE COUNTY LAND DEVELOPMENT CODE, CREATING THE LOWER SUGARLOAF KEY COMMUNITY CENTER OVERLAY DISTRICT FOR REAL ESTATE NUMBER 00118470.000000 AND FOR PORTIONS OF PARCELS HAVING REAL ESTATE NUMBERS 00118420.000000 AND 00117930.000000 DESCRIBED AS A PORTION OF GOVERNMENT LOT 3 AND PORTION OF GOVERNMENT LOT 4, SECTION 3, TOWNSHIP 67 SOUTH, RANGE 27 EAST AND A PORTION OF GOVERNMENT LOT 3, SECTION 34, TOWNSHIP 66 SOUTH, RANGE 27 EAST, SUGARLOAF KEY, MONROE COUNTY, FLORIDA AND A PORTION OF GOVERNMENT LOT 3, SECTION 34, TOWNSHIP 66 SOUTH, RANGE 27 EAST, SUGARLOAF KEY, MONROE COUNTY, FLORIDA LOWER SUGARLOAF KEY GULF SIDE AT APPROXIMATELY MILE MARKER 17; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the purpose of the Lower Sugarloaf Key Community Center Overlay District is to implement the policies of the comprehensive plan, to protect the natural and man-made historic resources of the community and to encourage development that maintains the small scale and low intensity of Lower Sugarloaf Key; and

WHEREAS, the goal is to protect and maintain the historic character of the densities and intensities within the Lower Sugarloaf Key Community Center Overlay District; and

WHEREAS, the proposed amendment is consistent with the Monroe County Year 2010 Comprehensive Plan; and

WHEREAS, the proposed amendment is consistent with the Florida Administration Code (F.A.C.), Chapter 9J-5; and

WHEREAS, the proposed amendment is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle; and

WHEREAS, this ordinance was recommended for approval to the Board of County Commissioners by the Planning Commission at its meeting of March 24, 2010;

NOW, THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS:

(Deletions are ~~stricken through~~ and additions are underlined.)

Section 1. Chapter 130, Article VII Division 2 shall be amended as follows:

Section 130-131. Lower Sugarloaf Key Community Center Overlay District

(a) The purpose of the Lower Sugarloaf Key Community Center Overlay District is to implement the policies of the comprehensive plan, to protect the natural and man-made historic resources of the community and to encourage development that maintains the small scale and low intensity of Lower Sugarloaf Key. The goal is to protect and maintain the historic character of the densities and intensities within the Lower Sugarloaf Key Community Center Overlay District.

(b) The Lower Sugarloaf Key Community Center Overlay District, shown on attached Map Exhibit A, is comprised of the following property legally described as:

Parcel A:

A portion of Government Lot 3 and Portion of Government Lot 4, Section 3, Township 67 South, Range 27 East and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and being more particularly described as follows (All references to Government Lot Lines are per Bailey's Survey of Sugarloaf Properties, December 22, 1972):

BEGIN at the intersection of the Northwesterly Line of U.S. Highway No. 1 (State Road No. 5) and the West line of Government Lot 3 of said Section 3, thence N 0 degrees 16' 32" E along the said Government Lot line for 60.28 feet; thence N 56' 19' 10" East along the said Northwesterly right of way line of U.S. Highway No. 1 for 644.56 feet; thence North 33 degrees 41' W for 147.88 feet, more or less to the Mean High Tide Line of Upper Sugarloaf Sound; thence meander said Mean High Tide Line with the following metes and bounds; thence S 52 degrees 19' 26" W for 139.22 feet; thence S 81 degrees 00' 25" W for 28.6 feet; thence N 49 degrees 28' 21" W for 36.77 feet; thence N 44 degrees 25' 27" W for 56.18 feet; thence N 83 degrees 14' 35" W for 35.52 feet; thence S 73 degrees 27' 37" W for 55.44 feet; thence N 42 degrees 13' 57" W and across a marina for 179.20 feet; thence continue meandering the Mean High Tide Line and a concrete seawall with the following metes and bounds: thence N 80 degrees 53' 10" W for 10.77 feet; thence S 70 degrees 37' 47" W for 107.27 feet; thence S 75 degrees 11' 6" W for 110.85 feet; thence North 31 degrees 25' 52" W for 7.55 feet; thence S 45

degrees 41' W for 20.0 Feet; thence S 12 degrees 56' 49" E for 17.13 feet; thence S 23 degrees 15' 23" E for 148.59 feet; thence S 22 degrees 11' 53" E for 87.98 feet; thence S 55 degrees 00' 14" W and across an open deep water pool for 96.97 feet; thence continue meandering said seawall and the Mean High Tide Line of Upper Sugarloaf Sound with the following metes and bounds; thence S 58 degrees 44' 30" W for 27.82 feet; thence South 71 degrees 47' 47" W for 29.56 feet; thence S 66 degrees 18' 30" W for 129.11 feet; thence S 77 degrees 18' 41" W for 49.7 feet; thence N 89 degrees 13' 39" W for 18.11 feet; thence S 80 degrees 45' 45" W for 75.01 feet; thence N 76 degrees 26' 39" W for 10.79 feet; thence S 86 degrees 24' 08" W for 12.48 feet; thence N 73 degrees 28' 09" W and across a canal for 136.57 feet; thence continue meandering the said Mean High Tide Line for the following metes and bounds; thence N 59 degrees 53' 45" W for 5.95 feet; thence S.75°02'38"W., a distance of 175.86 feet; thence S.14°57'22"E., a distance of 356.02 feet; thence S.59°39'59"W., a distance of 77.48 feet; thence S.30° 16'10"E., a distance of 269.50 feet to the said Northwesterly right of way line of U.S. Highway No. 1, thence N 56°19'10" E along the said Northwesterly right of way line of U.S. Highway No. 1 for 792.73 feet to the Point of Beginning. Parcel contains 557,839 square feet or 12.81 acres, more or less.

AND

Parcel C

A portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and being more particularly described as follows (All references to Government Lot Lines are per Bailey's Survey of Sugarloaf Properties, December 22, 1972):

COMMENCE at the intersection of the Northwesterly Line of U.S. Highway No. 1 (State Road No. 5) and the West line of Government Lot 3, Section 3, Township 67 South, Range 27 East, thence N 0° 16' 32" E along the said Government Lot line for 60.28 feet; thence N 56° 19' East along the said Northwesterly right of way line of U.S. Highway No. 1 for 644.56 feet; thence North 33° 41' W for 110.00 feet to the Point of Beginning; thence continue N 33° 41' W for a distance of approximately 37.88 feet to the point of intersection with the Mean High Tide Line of Upper Sugarloaf Sound; thence meander said Mean High Tide Line Northeasterly to a point, said point bears N 63°40'43" E from the first point of intersection with the said Mean High Tide Line at a distance of 125.84 feet from said point of intersection with the Mean High Tide Line; thence S 89°59'13" W for a distance of 39.25 feet; thence S 56°19'10" W for a distance of 157.47 feet back to the Point of Beginning. Parcel contains 4,077 square feet or 0.09 acres, more or less.

(c) The uses within the overlay district shall be subject to all land development regulations (i.e setbacks, heights, etc.) including minor conditional and major conditional use regulations of the Monroe County Code.

(d) The Lower Sugarloaf Key Community Center Overlay District densities shall be enforced, in lieu of Section 130-157 Maximum Residential Density and District Open Space and Section 130-162 Maximum Hotel-Motel, RVs and Institutional Residential Densities, and the intensities shall be enforced, in lieu of Section 130-164 Maximum Nonresidential Land Use Intensities and Open Space Ratios and only within the boundaries of the district.

The uses within the overlay district shall be developed with the following density and intensity regulations:

(1) Density and Intensity:

TABLE INSET:

Maximum Residential Densities				
<u>Permitted Land Uses</u>	<u>Allocated Density</u>	<u>Size of Site</u>	<u>Total Units</u>	<u>Max Allowed</u>
<u>Permanent Residential (market-rate commercial apartments)</u>	<u>0.25 – 0.5 units/acre</u>	<u>10.86 acres</u>	<u>2.7 – 5.445 units</u>	2-5 units
<u>Permanent Residential (affordable / employee)</u>	<u>1 units/acre</u>	<u>10.86 acres</u>	<u>10.86 units</u>	10 units
Maximum Hotel-Motel, RV & Institutional Residential Densities				
<u>Permitted Land Uses</u>	<u>Allocated Density</u>	<u>Size of Site</u>	<u>Total Units</u>	<u>Max Allowed</u>
<u>Institutional Residential</u>	<u>1 units/acre</u>	<u>10.86 acres</u>	<u>10.89 units</u>	10 units
<u>Hotel</u>	<u>10 units/acre</u>	<u>10.86 acres</u>	<u>108.9 units</u>	108 units
<u>Recreational Rental</u>	<u>3.5 spaces/acre</u>	<u>10.86 acres</u>	<u>38.12 spaces</u>	38 spaces

Maximum nonresidential land use intensities			
<u>Permitted Land Uses</u>	<u>FAR</u>	<u>Size of Site</u>	<u>Max Allowed</u>
<u>Commercial Retail (Low)</u>	<u>0.08</u>	<u>378,450ft²</u>	<u>30,276 ft²</u>
<u>Commercial Retail (Medium)</u>	<u>0.08</u>	<u>378,450ft²</u>	<u>30,276 ft²</u>
<u>Office</u>	<u>0.08</u>	<u>378,450 ft²</u>	<u>30,276 ft²</u>
<u>Commercial Recreational</u>	<u>0.06</u>	<u>378,450 ft²</u>	<u>22,707 ft²</u>
<u>Institutional</u>	<u>0.06</u>	<u>378,450 ft²</u>	<u>22,707 ft²</u>
<u>Outdoor Recreational</u>	<u>0.06</u>	<u>378,450 ft²</u>	<u>22,707 ft²</u>

*Maximum square footage of any one building or structure shall not exceed 6,000 square feet. However, cumulative square footage is governed by floor area ratio maximums. The intent of this limitation is to prevent large scale, out of character retail or commercial development.

(2) No Open Space Ratios are modified by this Section 130-131.

Section 2. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 3. Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state, or County law, rule code or regulation, the more restrictive shall apply.

Section 4. Transmittal.

This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs as required by F.S. 380.05(11) and F.S. 380.0552(9).

Section 5. Filing.

This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 6. Inclusion in the Monroe County Code.

The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to amendment thereto, and shall be appropriately renumbered to conform to the uniform marking system of the Code.

Section 7. Effective Date.

This ordinance shall become effective as provided by law and stated above.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the ____ day of _____, 2010.

Mayor Sylvia J. Murphy	_____
Mayor <i>pro tem</i> Heather Carruthers	_____
Commissioner Kim Wigington	_____
Commissioner George Neugent	_____
Commissioner Mario Di Gennaro	_____

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

Attest: DANNY L. KOLHAGE, CLERK

By _____
Deputy Clerk

By _____
Mayor Sylvia J. Murphy